

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services – PR & RD Dept – Disproportionate Assets case – Sri N. Venkata Ramana, the then Junior Geologist, PR Division, Dharmavaram at Ananthapur Division – Penalty of withholding Pension & Gratuity in full imposed in G.O. Ms. No. 332 PR & RD (Vig. II) Dept., Dt. 01.11.2004 – Orders reviewed and rescinded - Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG. II) DEPARTMENT

G.O. Ms. No. 253

Dt. 29-04-2013

Read the following:-

1. G.O. Ms. No. 332 PR & RD (Vig. II) Dept., Dt. 01.11.2004
2. Judgment of the Hon'ble High Court in Criminal Appeal No. 555/2004, Dt. 14.11.2011 filed by Sri N. Venkata Ramana, the then Junior Geologist, PR Division, Dharmavaram, Ananthapur Division.
3. From the DG, ACB, Hyderabad Lr. No. 17/RCA-ATP/1995, S14, Dt. 13.01.2012
4. Representation from Sri N. Venkata Ramana, Retd. Jr. Geologist Dated. 09.11.2012

ORDER:

In the reference 1st read above, Government have issued orders imposing the penalty of withholding pension and gratuity in full on Sri N. Venkata Ramana, Jr. Geologist (Retd), O/o. Executive Engineer, Panchayat Raj, Dharmavaram, Ananthapur District keeping in view of the orders of the Addl. Spl. Judge for SPE & ACB Cases in CC. No. 4/98, dt. 17.12.2003.

2. In the reference 2nd read above, the Hon'ble High Court in Criminal Appeal No. 555/2004 filed by Sri N. Venkata Ramana, Jr. Geologist (Retd) against the orders of the trial court has passed the following orders on 14.11.2011:-

"To sum up deducting the expenditure of Rs. 6,57,804/- from the total income of Rs. 15,62,121/- (fixed by the trial court) the savings of the appellant would workout to Rs. 9,04,317/-. The value of the assets now fixed is Rs. 9,06,552/- and therefore the value of the disproportionate wealth now comes to Rs. 2,235/-. This can be said to be a negligible amount. In State of Maharashtra V. Pollonji D. Daruwalla, the Supreme Court held that where the difference in the values of the disproportionate wealth pleaded by the prosecution and fixed by the courts is negligible, benefit of doubt can be given to the public servant especially where the check period exceeds twenty years. In the present case also the check period exceeds twenty years. Having regard to the above decision cited by the learned counsel for the appellant, it followed that the charge upheld by the trial court cannot be sustained.

Accordingly, this appeal is allowed and the conviction and sentences recorded by the trial court and the confiscation order passed by it are set aside. The fine amount if paid shall be refunded to the appellant and the bail bonds of the appellant shall stand cancelled after the expiry of the time available for prosecution to pursue its remedies against this Judgment."

3. In the reference 3rd read above, the Director General, ACB, Hyderabad, while enclosing the orders of the Hon'ble High Court has informed that there are no grounds to file SLP against the orders of the Hon'ble High Court in Criminal Appeal No. 555/2004 filed by Sri N. Venkata Ramana, Retd. Jr. Geologist, Dharmavaram division, Ananthapur and requested to communicate orders in the matter.

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4. In the reference 4th read above, Sri N. Venkata Ramana, Retd. Jr. Geologist, Dharmavaram Division, Ananthapur has made a representation with a request to issue orders and send his pension proposals to AG office as per the judgment of the Hon'ble High Court issued on 14.11.2011.

5. Government have examined the matter in detail keeping in view of the orders of the Hon'ble High Court in Criminal Appeal No. 555/2004, Dt. 14.11.2011 and opinion of the Director General, ACB vide reference 3rd read above and have decided to review the punishment imposed on Sri N. Venkata Ramana, Retd. Jr. Geologist, Dharmavaram Division, Ananthapur and to rescind the orders issued vide reference 1st read above.

6. Accordingly, Government have reviewed the matter and hereby order to rescind the punishment imposed on Sri N. Venkata Ramana, Retd. Jr. Geologist, Dharmavaram Division, Ananthapur in G.O. Ms. No. 332 PR & RD (Vig. II) Dept., Dt. 01.11.2004 i.e., the penalty of withholding pension and gratuity in full in respect Sri N. Venkata Ramana, Retd. Jr. Geologist, Dharmavaram Division, Ananthapur.

7. The Engineer-in-Chief, Panchayat Raj, Hyderabad is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVT (PR)

To

- 1) The Engineer-in-Chief,
Panchayat Raj,
Hyderabad
- 2) Sri N. Venkata Ramana, Retd. Jr. Geologist,
Dharmavaram Division, Ananthapur Dist
(through ENC, PR, Hyderabad)

Copy to

- 3) the DG, ACB, Hyderabad
(w.r.to Lr. No. 17/RCA-ATP/1995,S14, Dt. 13.01.2012)
- 4) Copy to the Commissioner, PR & RE, Hyderabad
- 5) Copy to the Vigilance Commissioner, APVC, Hyderabad
- 6) Copy to the P.S. to Principal Secretary, PR
- 7) SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER